

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert A. Immerman and Russell Benton Snell

Serial No. : 09/822,154 Confirmation No.: 6306

REMARKS

In the Office Action mailed December 18, 2001, the Examiner has objected to the specification because soldering was not discussed in the specification and the terms "construction techniques" and "construct" are unclear. Accordingly, applicant amends the specification, page 4, fourth paragraph, to include soldering and more clearly discuss construction of the device. No new matter has been added as soldering is claimed in claims 5 and 15.

The Examiner has rejected claims 1, 7-9, 11, and 17-19 under 35 U.S.C. §102(b) as being anticipated by Raphael, U.S. Patent No. D194,307. The Examiner states that Raphael shows a first pair of horizontal, generally parallel, rigid wires, a second pair of vertical rigid wires transverse to and engaging the first pair of rigid wires defining an opening for receiving the head of a suction cup and for retaining the neck in the opening, and a fastening arrangement that holds the second pair of wires attached to the fixture. The suction cup has a compressible head attached to a neck, the neck is attached to an engagement member, the head is insertable into the opening and the neck is retained in the opening. Applicants respectfully traverse this rejection. Applicants respectfully submit that → Raphael does not show a fixture and thus cannot show a fastening arrangement holding the second pair of wires attached to the fixture. Further, applicants have amended claims 1 and 11 to more clearly define their invention; in these new claims, applicants define a generally rectangular opening created by the joining of the first pair of rigid wires to the second pair of rigid wires. Raphael does not show any rectangular openings created by rigid wires. Instead, Raphael's suction cup appears to be inserted by sliding the neck of the cup between a pair of wires, and the cup appears to be

retained by having the neck wedged between the pair of wires and having its suction end connected to a wall surface. Raphael's suction cup head does not appear to be compressible. Also, Raphael's suction cup appears to be only for holding the holder against the wall. The suction cup could not support the holder, since without the loop going over the faucet at the top of the holder, the holder will fall.

By contrast, applicants' suction cup, as described in claims 7 and 11, is inserted by compressing the head of the cup and is retained by the pairs of wires. As a result, applicants' invention is easier to install as the suction cup head does not need special placement, such as wedging, to be retained by the pairs of wires. Further, applicant's suction cup supports the fixture without an additional faucet or other support mechanism. Thus, applicants respectfully request that the rejection of claims based on Raphael be withdrawn.

The Examiner has rejected claims 1 and 6 under 35 U.S.C. §102(b) as being anticipated by Standley, U.S. Patent No. 3,186,671. The Examiner states that Standley shows a first pair of horizontal, generally parallel, rigid wires (wires between b4 to b5), a second pair of rigid wires (A) transverse to and engaging the first pair of rigid wires defining an opening for receiving the head of a suction cup and for retaining the neck in the opening, and a fastening arrangement (D) for fastening the device to a fixture. Regarding claim 6, the first pair of wires (wires between b4 and b5) is comprised of two wires, which are parallel to each other and the second pair of wires (A) is comprised of two wires which are not parallel to each other. Applicants respectfully traverse this rejection. Standley does not show suction cups and thus does not show a device for attaching a suction cup to any holder or fixture; instead, Standley discloses a receptacle holder which is attached to a radio knob on a car dashboard. Applicants respectfully submit that, as described by the Examiner, Standley's first pair of rigid wires (wires between b4 to b5) and the second pair of wires

(A) do not define a generally rectangular opening for retaining the head or neck of a suction cup. The neck of the radio knob in Standley is retained between the wires between b1 and b2. Further, as stated above, applicants have amended claim 1 to more clearly define the opening which retains the suction cup; this opening is generally rectangular. Standley's opening has only three sides, not four, because Standley's device works in a manner similar to Raphael's in that the radio knob is not compressed to fit into the opening but instead the holder slides over and is wedged onto the radio knob. Standley's vertical wires (wires between b1 and b2) are not parallel so that the neck of the radio knob can be inserted and retained, that is, wedged, between the wires. By contrast, applicants' invention retains the suction cup regardless of whether it is wedged between the wires. Thus, applicants respectfully request that the rejection of claims based on Standley be withdrawn.

The Examiner has rejected claims 2-5 and 12-15 under 35 U.S.C. §103(a) as being unpatentable over Raphael in view of Macek, U.S. Patent No. 5,620,105. Applicants respectfully traverse this rejection. As stated above, applicants amend claim 1 and 11 to more clearly define their invention. This amendment includes the definition of the opening formed by the wires to be a generally rectangular opening. Raphael does not disclose a generally rectangular opening for retaining the head or neck of a suction cup. Claims 2-5 depend on claim 1 and claims 12-15 depend on claim 11 and incorporate the limits contained therein. Thus, applicants respectfully request that the rejection of claims based on Raphael in combination with any other reference be withdrawn.

The Examiner has rejected claims 10 and 20 under 35 U.S.C. §103(a) as being unpatentable over Brewster, U.S. Patent No. 5,039,046, in view of Downing, U.S. Patent No. 1,531,694. Applicants cancel claims 10 and 20.

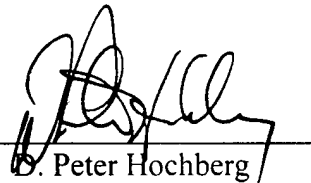
The Examiner has rejected claims 11 and 16 under 35 U.S.C. §103(a) as being unpatentable over Standley in view of Protz, Jr., U.S. Patent No. 5,595,364. Applicants respectfully traverse this

rejection. As stated above, applicants amend claim 11 to more clearly define their invention. This amendment includes the definition of the opening formed by the wires to be a generally rectangular opening. Standley does not disclose a generally rectangular opening for retaining the head or neck of a suction cup. Claim 16 depends on claim 11 and incorporates the limits contained therein. Thus, applicants respectfully request that the rejection of claims based on Standley in combination with any other reference be withdrawn.

It is respectfully submitted that the application is now in condition for allowance, and such action is requested. No new matter has been added. The examiner is invited to telephone the undersigned if there are any matters which could be discussed to expedite the prosecution of the above-identified application.

Respectfully submitted,

By:


D. Peter Hochberg
Reg. No. 24,603

DPH/KRV

Enc.: Attachment Showing Marked Up Specification and Claims

D. Peter Hochberg Co., L.P.A.
1940 East Sixth Street – 6th Floor
Cleveland, OH 44114-2294
(216) 771-3800



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ATTACHMENT TO AMENDMENT

MARKED UP SPECIFICATION SHOWING CHANGES RELATIVE TO THE ORIGINAL VERSION

Please replace the fourth paragraph, beginning on line 13, on page 4 with the following:

When the invention is used on wire form products, welding, soldering or brazing are appropriate construction techniques for the device. When plastic is used, the attaching device could be integrally formed by molding. It is possible to use adhesives to construct the device when it is made from metal, plastic or wood.

MARKED UP CLAIMS SHOWING CHANGES RELATIVE TO THE ORIGINAL VERSION

1. (Amended) A device for attaching a suction cup to a fixture, the suction cup having a compressible head attached to a neck, the neck attached to an engagement member, said device comprising:

a first pair of horizontal, generally parallel, rigid wires;

a second pair of rigid wires, each wire of said second pair of rigid wires transverses [to] and [engaging] engages each wire of said first pair of rigid wires defining [an] a generally rectangular opening for receiving the head and for retaining the neck in said opening; and

a fastener arrangement for fastening said device to the fixture.

11. (Amended) An assembly comprising:

a first pair of horizontal, generally parallel, rigid wires;

a second pair of rigid wires, each wire of said second pair of rigid wires transverses [to] and [engaging] engages each wire of said first pair of rigid wires, defining [an] a generally rectangular opening for receiving the head and for retaining the neck in said opening; and

a fastener arrangement for fastening said assembly to a fixture; and

a suction cup having a compressible head attached to a neck, the neck attached to an engagement member, said head being insertable into said opening and said neck being retainable in said opening.